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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,910	07/31/2003	John Barclay Owens II	06975-417001 / Home Netwo	7573
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EXAMINER				
SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
01/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/630,910

Applicant(s)

OWENS ET AL.

Examiner

Jeffrey R. Swearingen

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 14-21, 23-25, 28, 31-38, 40-42, 45 and 48-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 6-8, 11, 14-17, 35-38, 40-42, 45 and 48-52 is/are allowed.
- 6) ☒ Claim(s) 18-21, 23-25, 28 and 31-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This case has been assigned to a new examiner.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 6-8, 11, 14-21, 23-25, 28, 31-38, 40-42, 45, and 48-52 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The disclosure is objected to because of the following informalities: Claim 35 discloses a computer-readable storage medium storing a computer program. There is insufficient antecedent basis within the specification to define the metes and bounds of what Applicant intends to claim by a computer-readable storage medium.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 18-21, 23-25, 28, 31-34 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant claimed a system, invoking 112-6th with means plus function language. The means pointed to by Applicant was a user device. Claim 18, line 2. Applicant defined the device in the specification on page 7, lines 8-17. In Applicant's definition of device, Applicant expanded the definition to include "other virtual equipment". Virtual equipment shows Applicant's intention to claim the system as software per se and not limit it to the four statutory classes of invention. Applicant cannot claim software per se. The software must be embodied on some sort of medium. *Gottschalk v. Benson*. *Diamond v. Diehr*. *In re Nuijten*. Applicant should overcome this rejection by submitting a clear disavowal that Applicant is intending to claim a device as any form of software per se.

Allowable Subject Matter

6. Claims 1-4, 6-8, 11, 14-17, 35-38, 40-42, 45, and 48-52 are allowed.

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7. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach Applicant's inventive concept. Applicant's inventive concept is:

Detecting whether parental control information has been tampered with or altered without authorization, and

If the parental control information has been tampered or altered, resetting the parental control information and notifying the master user of the device.

Claims 35-38, 40-42, 45, and 48-51 are indicated as allowable subject matter based on the assumption that Applicant has not intended to claim "computer-readable storage media" to include non-statutory media such as optical rays, carrier waves, or other transmission-type media. As noted above, the specification is objected to because Applicant used this terminology but failed to define "computer-readable storage media" within the specification.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goddard	U.S. 6,684,240 B1
Brown et al.	U.S. 6,732,179 B1
Bates et al.	U.S. 6,745,367 B1
Bunch	U.S. 6,795,856 B1
Sanders	U.S. 6,938,077 B2
Saeidi	U.S. 7,039,700 B2
Mathew et al.	U.S. 7,302,488 B2
Dimitrova et al.	US 2002/0147782 A1
Hughes et al.	U.S. 6,065,055

Jacob, Varghese et al. "Filtering Objectionable Internet Content." Proceeding of the 20th International Conference on Information Systems. January 1999. Association for Information Systems.

Urbaczewski, Andrew et al. "Does Electronic Monitoring of Employee Internet Usage Work?" Communications of the ACM. Vol. 45, No. 1. January 2002. ACM Press. 80-83.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen
Examiner
Art Unit 2145

JRS

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145